

Report

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| Report to: | Planning Committee |
| Date of Meeting: | 10 August 2021 |
| Report by: | Executive Director (Community and Enterprise Resources) |

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| Application no. | P/21/0540 |
| Planning proposal: | Installation of access gates for emergency vehicles with associated side panels and formation of associated vehicular access. (Part retrospective) |

1 Summary application information

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| Application type: | Detailed planning application |
| Applicant: | Mr Allan McGill |
| Location: | Uddingston Cricket and Sports Club Castle Avenue Uddingston G71 7HJ |

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 16 Bothwell And Uddingston
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 - Climate change
Policy 3 - General Urban Areas
Policy 5 - Development Management and Placemaking
Policy 13 - Green Network and Greenspace

◆ Representation(s):

| | | |
|---|----|-------------------|
| ▶ | 10 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is a small, rectangular shaped area of ground located within the south-west corner of the grounds of the Uddingston Cricket and Sports Club, at Castle Gate, Uddingston. The site is located within the general urban area, with modern residential properties located to the west, sports pitches to the north and east, and by landscaped areas of ground to both the south and the south-east. An established, approximately 2.5 metre high hedge screens the rugby pitch from Castle Gate, which is an access road into the adjoining residential area.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission (part retrospective), for the installation of vehicular access gates for emergency vehicles, with associated side panels, and for the formation of an associated vehicular access over the adopted public footpath adjacent to the recently installed gates. The newly installed gates are 4 metres wide by 2.5 metres high, constructed with green, weld mesh panelling. The applicant has stated that the proposed use of the gate is for an emergency entrance and exit, identified as being a key outcome of a recent health and safety audit carried out at the club. It is not planned to be utilised as a general entrance and will be locked at all times with a keyed padlock, to prevent unauthorised use.
- 2.2 The physical changes to the development of the site comprise of the removal of an area of mature, established hedgerow along Castle Gate (approximately 7 metres) to permit the installation of the new gates, (already carried out), and for the formation of a drop kerb footway crossing, required as part of a separate Road Opening Permit application through the Council's Roads Service. There are no intentions to formalise a hardstanding parking area within the site, given the limited proposed use of the access by emergency vehicles.
- 2.3 The application is part retrospective as the applicant was unaware that the installation of the new gates would require planning permission. The Planning Service became aware of the existence of the gates following a number of phone calls and emails to the Planning Enforcement Team, following which contact was made with the Cricket and Sports Club. Notwithstanding the above, it should be noted that the new gates only require formal planning permission due to their height being over one metre above ground level.

3 Background

3.1 Local Plan Status

- 3.1.1 In this regard the application site and associated proposal is affected by the following policies contained in the adopted South Lanarkshire Local Development Plan 2:

Policy 2 – Climate Change

Policy 3 - General Urban Area

Policy 5 - Development Management and Placemaking

Policy 13 - Green network and green space

- 3.1.2 An assessment of the proposal against these specific policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

- 3.2.1 Scottish Planning Policy (Revised 2020) (SPP) advises that proposals that accord with up-to-date plans should be considered acceptable in principle.

3.3 Planning Background

3.3.1 There is no recent planning history affecting the application site.

4 Consultation(s)

4.1 **Roads Development Management Team** – Advise that the general impact of the development proposed is suitable at this location. Further, there is adequate visibility from the new access onto Castle Gate. A Road Opening Permit would be required for the works onto Castle Gate (a formalised drop kerb footway crossing). Overall, they have no objection to the proposal.

Response: All noted. The applicant is aware of the need to submit a separate Road Opening Permit application.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Hamilton Advertiser due to non-notification of neighbours. Ten letters of objection have been received and as a result of this publicity the grounds of objection and matters raised are summarised below:

a) **Concerns regarding a lack of consultation and notification of the application to local residents, noting that the site is adjoined by common land, owned by a number of local residents. This also raises concerns over transparency of the application process.**

Response: These concerns are noted, however the planning application has been subject to the standard levels of consultation and transparency (neighbour notification of all identifiable properties within 20 metres of the red line of the site, and an advert placed in the local newspaper for any additional non-notified neighbours). With regard to any pre application consultation of the proposed access gates between the applicant and the residents, this would be a private matter between the relevant parties and is not a material planning consideration. In terms of transparency of the handling of the application, this service is satisfied that the application has been fully assessed and considered in an open, transparent manner, and that this can be evidenced by the documentation available to view on the publicly accessible planning portal.

b) **Concerns regarding ownership of the hedge, the pavement on Castle Gate and the small area of ground between the new gates and the pavement. The applicant does not own all of the site and has not entered into an access agreement with the owners, the residents of the surrounding residential estate. In addition, it should be noted that a previous access gate was installed further along the hedge line 20 years ago, again without any access agreement and leading to legal action being taken by the local residents to prevent its use.**

Response: The applicant has confirmed on the ownership certificate that the Club own all of the application site and has provided a copy of the title deeds for the property that appear to confirm this is the case. It is noted that a number of local residents dispute the ownership position, in particular the small area between the recently installed gates and the edge of the pavement on Castle Gate, and that this is currently in the hands of lawyers, however this is essentially a private legal matter between the relevant parties that requires to be resolved. With regard to the pavement itself on Castle Gate, this is a publicly adopted footpath under the control of South Lanarkshire Council. The historic issues with the previously installed access gates are noted, however they are not material to the assessment of the current application.

- c) **Road safety, as the proposed new access is located on a dangerous corner, with limited visibility. Further, the safety of children who play on the communal landscaped area to the east of the new gates may be compromised, particularly by larger maintenance vehicles that may utilise the access. There is an existing adequate access off the main road, Castle Avenue, why can this not be used for access for emergency vehicles? If this is not suitable, an alternative, new access from Castle Avenue, on an old road through the woodland could be reinstated, avoiding the need for this new proposed access on Castle Gate?**

Response: Roads and Transportation Services have been consulted on this application and have offered no objections. With regard to the use of the existing access, this will continue to be utilised for other parts of the sports club's grounds. Finally, the potential reuse of an old access through the woodland onto Castle Avenue is also noted, however this service can only assess the details submitted by the applicant under this current application.

- d) **Concerns that the new access will be used by maintenance vehicles (an ambiguous term), and by additional non-emergency vehicles. The new access is not required for the purpose stated, noting that the rugby pitch is barely used at present and that the applicant is seeking to use the site for additional future uses, music festivals etc. If however, the application is granted, a planning condition should be placed on any approval, restricting the use of the access to emergency vehicles only, and consideration given to painting yellow lines on the adjoining affected area of road, to restrict parking by visitors/players to the club.**

Response: These concerns are noted, however, the application can only be assessed in terms of the information submitted, and not on the basis of what other potential use/purposes may be utilised by the access gates. The applicant has confirmed that the principle required use of the access will be for emergency vehicles only, following a recent health and safety audit. A restrictive planning condition may be attached to any approval Committee is minded to grant, stating that the access can only be used for emergency vehicles. With regard to the painting of yellow lines on the road, to prevent unauthorised/dangerous parking, this is an issue that can be looked at by the Council's Roads and Transportation Services, separate from the planning application assessment.

- e) **The applicant has never needed an access for emergency or maintenance vehicles at this location in the last 30 years, why is it now required? Further, the plans are marked Ex – Rugby, inferring that the use of the nearest pitch to the access is no longer active. If this is the case then the emergency access point will be further away from the sports activities within the site. Clarification of the use of the access is required, including details of all vehicles that will potentially be crossing the public footpath in front of the new gates.**

Response: As stated above, the new emergency access is required as a result of a recent health and safety audit by the club. With regard to the plans, they state Ex Rugby Pitch and Ex Cricket Pitch, inferring that this stands for existing, not ex, as in no longer required. Turning to clarification of the use of the access and associated vehicles, the width of the access gates (4 metres) and the road geometry at the access point will physically restrict the use of the access by large vehicles. Further, the applicant has stated that the access will only be used by emergency vehicles, most likely an ambulance given it's an access to a sports pitch.

- f) **The proposals will lead to increased traffic and noise, encouraging players and spectators to park on Castle Gate, creating further issues of road safety.**
Response: The new access and gates are located to the south west of the Cricket and Sports Club premises, adjacent to an area of open space/landscaping. Similar open space and landscaping adjoin the site to the south, across Castle Gate. There is a single dwelling located to the immediate west of the site, however after careful consideration it is considered that the occasional, limited use of the access for emergency vehicles will not increase traffic and noise to an unacceptable degree. With regard to road safety issues, as stated above, the Council's Roads and Transportation Services have no objections to the application.
- g) **Approval of the new access will give a "green light" to future residential use on the site behind the new gates.**
Response: Any approval of the new access proposed will in no way provide any guarantee that the site could be considered acceptable for any alternative use, including residential. Planning applications are assessed on their individual merits.
- h) **The new gates have an industrial appearance that materially damage the character of the local surrounding area. Further, it is regrettable that the loss of the area of hedge where the gates have been installed will have destroyed an area of wildlife habitat.**
Response: The new gates recently installed are of a design and colour typical of access gates to sports facilities and are not considered to be of an "industrial" appearance that detract from the character of the surrounding streetscape. With regard to the loss of wildlife habitat following the removal of part of the established hedge, this is regrettable, however the immediate surrounding area offers substantial compensatory wildlife habitat opportunities.
- i) **The existing access to the residential properties from Castle Gate is already used as an overflow car park by the Cricket and Sports Club when events are taking place. If this continues cars may park in front of the new access, preventing emergency vehicles from accessing the site.**
Response: These concerns are noted, however any required changes to the existing footpath on Castle Gate, including the provision of a formal drop kerb footway crossing, should make it obvious that the gates require to be left clear for emergency vehicle access.
- j) **The Cricket and Sports Club have shown a lack of respect for the law and the role of the Council in assessing planning applications, evidenced by a number of alleged breaches of planning control at the club.**
Response: The additional alleged breaches of planning control will be investigated by the Council's Planning Enforcement Team, and appropriate action taken. Notwithstanding this, it should also be noted that when the installation of the current access gates was drawn to the attention of the Council, the applicant promptly submitted a retrospective planning application.
- k) **The most concerning information given to numerous Castle Gate residents is the confirmation from Club Management and their contractors that this gate will be approved, regardless of Castle Gate residents' concerns, and I quote, they "have friends in the Council so it doesn't matter, it's a done deal". Further, once approved, the gate will be used for more than emergency use.**

Response: The objector's have however not provided any evidence to substantiate this claim. This application has been dealt with in an appropriate manner and due to the level of objections received it is being reported to the Planning Committee for determination in accordance with the approved scheme of delegation.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent (part retrospective), for the installation of vehicular access gates for emergency vehicles, with associated side panels, and for the formation of an associated vehicular access at the Uddingston Cricket and Sports Club, Castle Gate, Uddingston. The main determining issues in assessing this proposal are whether it accords with adopted local development plan policy, its impact upon residential and visual amenity, and on road safety.

6.2 In terms of the adopted South Lanarkshire Local Development Plan 2, the relevant policies to be considered for this application are Policies 2, 3, 5 and 13. Policy 2 – Climate Change states that in order to meet Scottish Government targets relating to climate change and the reduction of greenhouse gases, any new development proposals should seek to minimise and mitigate against such effects. Proposals should ensure that they are sustainably located, avoid areas of medium to high flood risk, have no significant adverse impacts on the water and soils environment, air quality, biodiversity and blue/green networks. Policy 3 - General Urban Areas states that within urban areas and settlements proposals for uses that are ancillary to residential areas will be assessed on their individual merits, with particular regards to their effect on the amenity and character of the area. Developments which would be detrimental to the amenity of residents and the wider community or to the character of the surrounding area will not be permitted.

6.3 Policy 5 (Development Management and Placemaking) seeks to ensure that development takes account of and is integrated within, the local context and built form. Proposals should have no significant adverse impacts on the local community and include where appropriate measures to enhance the environment.

6.4 Policy 13 (Green Network and Greenspace) sets out the requirements in relation to proposals affecting the Green Network, Priority Greenspace and Green Infrastructure. With specific reference to the Green Network, the policy states that development proposals should safeguard the Green Network, as identified on the proposal map, and identify opportunities for enhancement and/or extension which can contribute towards:

- placemaking,
- mitigating greenhouse gases and adapting to the impacts of climate change,
- supporting biodiversity,
- enhancing health and quality of life,
- providing water management including flood storage, and buffer strips,
- development of blue-green networks using existing watercourses,
- improving air quality,
- providing areas for leisure activity,
- providing areas for allotments and community growing areas, and
- promoting active travel.

- 6.5 Following a detailed assessment of the application, it is considered that the installation of the new access gates for emergency vehicle access to the existing sports facilities within the site accord with the policies of the adopted South Lanarkshire Local Development Plan 2. In this respect, the site has been utilised as a sports facility for an extensive period and has been the subject of a recent health and safety audit which has recommended that a new access for emergency vehicles be created off Castle Gate, providing direct access to the existing rugby pitch. The proposals are considered to accord with the criteria of Policy 2 – Climate Change, in that they are sustainably located within the existing settlement, avoid areas of medium to high flood risk and have no significant impacts on the water or soils environment, on air quality or on biodiversity. The proposals will also have no significant impact upon the Green Network and, indeed, the continued use of the wider site for sports/leisure activities, enhancing health and quality of life is specifically noted as positively contributing towards enhancement of the Green Network in Policy 13 – Green Network and Greenspace.
- 6.6 With regards to the scale and design of the proposed access gates and associated side panels, it is considered that they will have no significant adverse impact upon the character or amenity of the area or upon the amenity of residents living nearby. The proposed new access would not be located immediately adjacent to any dwellings, and the use of the access to the site for occasional emergency vehicles is also considered to be unlikely to generate any significant noise or traffic issues. The proposals are therefore considered to accord with Policies 3 and 5 of the adopted South Lanarkshire Local Development Plan 2.
- 6.7 With regards to road safety, the application has been subject to consultation with the Council's Roads and Transportation Services. In response to the consultation, they have advised that the general impact of the development proposed is suitable, and there is adequate visibility from the new access onto Castle Gate. They also advise that a Road Opening Permit would be required for the works onto Castle Gate (a formalised drop kerb footway crossing) and that the Roads service would wish to support the application. A number of objectors have raised concerns that the new access will be utilised for additional, unstated purposes, and that it will result in increased traffic and road safety issues. These concerns are noted, however, the applicant has confirmed that a restrictive planning condition, stating that only emergency vehicles can utilise the access, will be acceptable.
- 6.8 In summary, following a full and detailed assessment of the proposed development, it is considered that it would have no significant adverse impact upon amenity, the character of the area, road safety or upon the Green Network. The proposals are therefore considered to be in accordance with the adopted South Lanarkshire Local Development Plan 2 (adopted April 2021). As such, the granting of planning permission is recommended.

7 Reasons for Decision

- 7.1 The proposals will have no significant adverse impact on either residential or visual amenity and comply with Policies 2, 3, 5 and 13 of the South Lanarkshire Local Development Plan 2 (adopted April 2021). Further, there are no additional material considerations which would justify refusing planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 July 2021

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 23 April 2021
- ▶ Newspaper Advert, Hamilton Advertiser, 6 May 2021

- ▶ Consultations
 - Roads Development Management Team 10.05.2021
- ▶ Representations
 - Mr Alan Wilson, 3 Lairds Gate, Uddingston, G71 7HR Dated: 06.05.2021
 - Mrs Anfrances Duggan, 5 Lairds Gate, Lairds Gate, Uddingston, G71 7HR 06.05.2021
 - Mrs Maureen Blessing, 26 Lairds gate, Castle gate, Uddingston, G718sr 07.06.2021
 - Mrs Eunice McAllister, 22 Viscount Gate, Bothwell, Bothwell, G718SR 07.06.2021
 - Mr Daniel McSherry, 4 Viscount Gate, Bothwell, G71 8SR 07.06.2021
 - Mr Jonathan Pender, 5 Viscount Gate, Bothwell, Glasgow, G71 8SR 08.06.2021
 - Mrs Fiona Strang, 29 Castle Gate, Uddingston, Glasgow, G71 7HU 07.06.2021
 - Mrs Lindsey Blessing, 3 viscount gate, 3 viscount gate, Bothwell, G718sr 07.06.2021
 - Mrs Geraldine McGann, 9 Knights Gate, Bothwell, Glasgow, G71 8SS 07.06.2021
 - Mr Paul Moffat, 3 Marquis Gate, Uddingston, Glasgow, South Lanarkshire, G71 7HY 22.04.2021

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Stuart Ramsay, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB
Phone: 01698 453601
Email: stuart.ramsay@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/0540

Conditions and reasons

01. That the use of new access gates and associated vehicular access hereby approved shall be solely for the purpose of emergency vehicles, and for no other type of activity without the prior written approval of the Council as Planning and Roads Authority.

Reason: In the interests of amenity and road safety.

02. That for the avoidance of doubt the access gates hereby approved shall only open inwards, into the grounds of the Cricket and Sports Club.

Reason: In the interests of road safety.

P/21/0540

Uddingston Cricket and Sports Club



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Scale:
1:2,500
Date:
20/07/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development